



Report to Planning Committee 20 April 2023

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Report Summary	
Report Title	Planning Committee Annual Report 2022-2023
Purpose of Report	To provide Members with information of the performance of Planning Committee.
Recommendations	That Members note the contents of this report.

1.0 Background

All Planning Committee meetings have been held at Castle House. The first two were held on a Tuesday (April and May) before the meeting was changed to a Thursday. All meetings commenced at 1600 hours. The meeting in September was cancelled due to the Civic Suite being flooded.

2.0 Proposal/Options Considered and Reasons for Recommendation

Facts, Planning Applications and Reports:

- Newark & Sherwood District Council's Planning Committee sat on 11 occasions throughout the municipal year 2022- 2023, the same as 2021-22 (noting September's meeting was cancelled prior to it starting).
- The Committee undertook 22 official site visits, as part of 7 meetings.

Planning Applications:

The Planning Committee considered 58 planning applications over the 11 meetings.

- 46 applications were granted in line with officer recommendation;
- 9 applications were refused in line with officer recommendation;
- 1 application was granted contrary to officer recommendation;
- 2 applications were refused contrary to officer recommendation; and
- Of the 58, four were deferred for negotiation or further information.

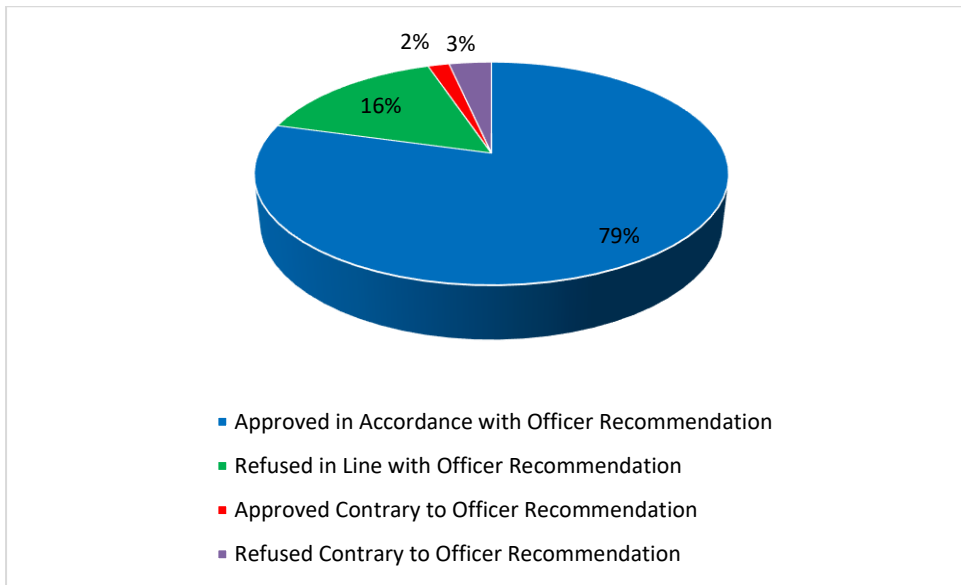


Chart 1: How applications were determined

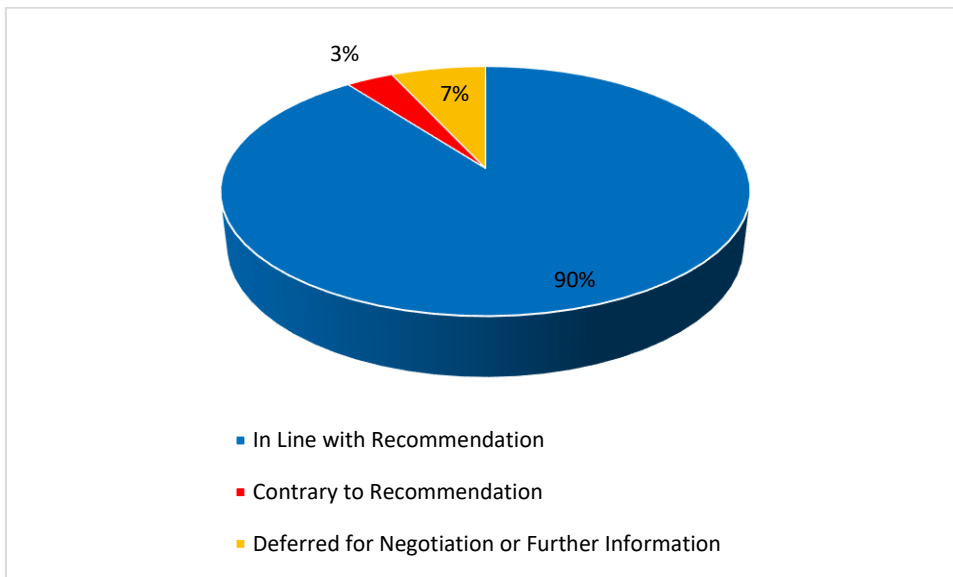


Chart 2: Percentage of Decisions in Accordance with or Contrary to Officer Recommendation

Appeals Decisions:

Throughout the municipal year Newark & Sherwood District Council received 7 appeal decisions in respect of decisions made by the Planning Committee.

Out of the seven, 5 of the appeals were allowed (i.e. granted) by the Inspector and 1 was dismissed (refused) supporting the decision of the Committee, whilst 1 was withdrawn by the appellant.

Of the appeals:

- 4 of these had been recommended for approval by Officers but overturned by Committee;
- 2 had been recommended by Officers to be refused;
- Of the overturned appeals, all were dismissed.

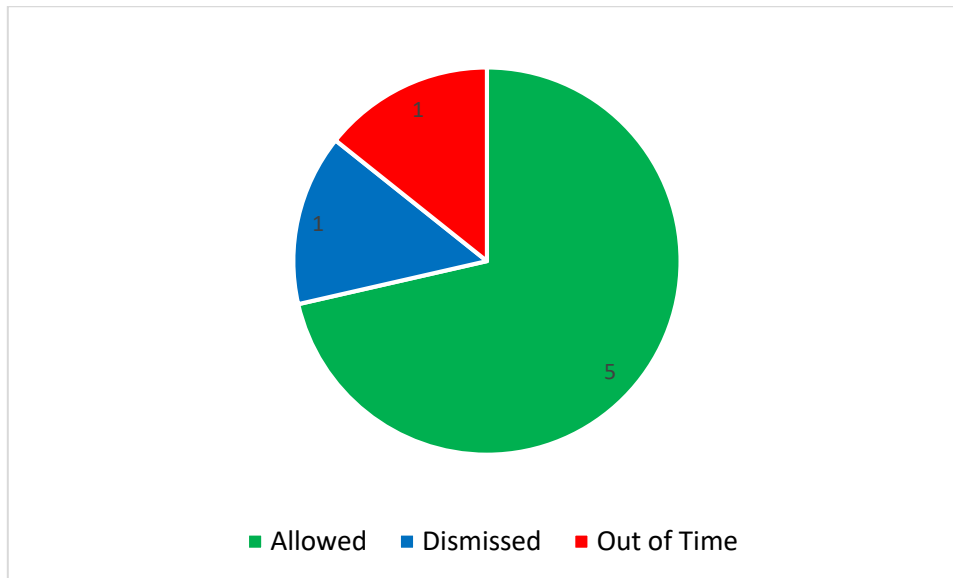


Chart 3: How Appeals were Determined

The allowed appeals were:

App No.	Address	Proposal
21/02386/FULM	Staunton Industrial Estate Alverton Road Staunton In the Vale	Erection of commercial storage units and erection of new office with associated parking.
20/01452/OUTM	Land Off A17 Coddington Nottinghamshire	Development of site for distribution uses, including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping.
21/02528/FUL	Shady Oaks Eagle Road Spalford NG23 7HA	Change of use of land to provide 4 pitches (1 static and 1 touring caravan and two parking spaces on each pitch) hardstanding and associated infrastructure for members of the Gypsy and Traveller community
21/02261/FUL	81 Lincoln Road Newark-on-Trent NG24 2BU	Proposed alterations to No.81 Lincoln Road and erection of new dwelling

Members will also be aware from quarterly performance reports that when an appeal is made either party, the Council or the Appellant may seek costs if unreasonable behaviour is deemed to have taken place. In addition, the Inspector may also make an award of costs without an application by either party. [Planning Practice Guidance](#) details the types of behaviour that may lead to an award of costs by local planning authorities, appellants, statutory consultees and interested parties. Over the previous 12 months, no costs have been awarded against decisions the Planning Committee has made. However, costs have been awarded against the decision of Officers – Hillcrest, 7 Hoveingham Road, Caythorpe for a side extension and Land at Main Street, Maplebeck for a stable building.

Additional reporting

In addition to planning applications the Committee also received a variety of reporting on the following matters:

Protocol for Members on Dealing with Planning Matters
Development Consultation Forums, Guidance for Developers and Public
Planning Committee Scheme of Delegation to Officers

These three documents were all adopted by the Planning Committee following the change in the Governance structure to a Cabinet at June's meeting. In addition, following case law in relation to a Council that had been challenged on whether Members who voted on an item were entitled to be present at the meeting and vote when they had not been present at previous meetings when the development was discussed, the Protocol was amended in December. This was purely to provide clarification to the Council's procedures.

Additionally, the Scheme of Delegation was amended in August to include additional delegation arrangements relating to listed buildings and entry by Offices onto sites in order to undertake their roles in relation to Planning and associated Acts.

Planning application validation checklist – agreement for consultation

Agreement was sought from Committee for undertaking a consultation on amendments to the Planning Application Validation Checklist. This is in order to ensure the checklist is up-to-date – in order to validate on the basis of a local list, the checklist must be reviewed every 2-years. Members will note the consultation outcome is presented as a separate agenda item at this meeting.

Local Development Order (LDO) for filming at Newark Heritage sites

Permitted development rights exist to allow commercial filming in buildings and on land. However, an exclusion to this right includes where a building or land within its curtilage is listed or if the land is a scheduled monument. In the case of Newark Castle and the Palace Theatre, the exclusions apply, therefore planning permission is required. Members agreed a LDO could be progressed to set out the conditions that would apply to each of these two sites. This is still being progressed with consultation on each Order due to take place shortly. The LDOs will set out the planning restrictions – the Heritage & Culture team will be able to have separate contractual arrangements with film-makers. Once the consultation is completed and responses analysed, the suggested LDOs will be brought back to Planning Committee for approval.

Vaccination centre at Brackenhurst Campus, Southwell

During the Covid-19 pandemic, temporary permitted development rights were introduced allowing local authorities and health care providers to construct buildings and/or implement uses to facilitate the fight against the virus. These rights expired on the 31st December 2022. The Health Service wished to continue using Brackenhurst Campus for vaccination purposes during 2023 at isolated intervals. In January 2023, the Committee agreed that if this use was deemed to be a material change of use, the Council would not consider enforcement action unless complaints were received which warranted such action.

Legislative updates

Throughout the year there have been more minor legislative changes to the planning system. These have not been formally reported due to the relatively minimal impact they would or have had.

However, more significant changes will occur during 2023/24:

Biodiversity Net Gain – from November 2023, biodiversity net gain (BNG) will come into force. This will require defined developments (to be set out in future Regulations) to provide a [minimum of] 10% net gain in biodiversity. This net gain is required to be provided for a minimum of 30-years. A full report will be presented to Planning Committee in due course of the full implications. However, in anticipation, a post for a qualified Biodiversity / Ecology Officer is currently out to advert.

Levelling Up and Regeneration Bill – this is still progressing through its readings and is currently in the House of Lords. A number of matters set out within the Bill are currently out to consultation including:

- [Increasing planning fees and performance: technical consultation](#) - this looks to increase fees by a suggested 35% for major applications; 25% for minor (and other) applications, which would be ring-fenced to enable improvements to the capacity, capability and performance within local planning authorities;
- [Infrastructure Levy](#) – this will reform the existing system of developer contributions (s106 planning obligations and community infrastructure levy);
- [Environmental Outcome Reports](#) – a new approach to environmental assessment.

Full details on the outcomes of these consultations and how they will impact / affect service delivery will be reported in due course. Engagement with the Portfolio Holder Economic Development & Visitors or relevant committee will take place, as appropriate.

In addition, there is a consultation on amendments to [Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making](#). The response to this has been included as a separate report on the agenda.

It is anticipated that 2023/24 will bring a lot of changes and many challenges for all involved with the planning system.

3.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Planning Committee Agendas – April 2022 – March 2023